

Notice of Allowability

Application No.

10/049,606

Examiner

Susan W Berman

Applicant(s)

ROCKRATH ET AL.

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1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to R.C.E filed 10-15-2003.
2. ☒ The allowed claim(s) is/are 19-38.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>10/23</u> | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

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Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 10-15-2003 has been entered.

Information Disclosure Statement

The references lined through on the attached PTOL form 1449 were not considered by the examiner because no abstract or translation was received. The listed Foreign Patents printed in English have been considered but are not considered to be translations of the documents. The two co-pending applications are not published documents proper for listing on form 1449.

The references listed on the IDS Form 1449 received 10-15-2003 have been considered. No new issues of patentability appear to be raised in the listed Abstracts and references.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

claim 32, line 2, change "OEM" to "original equipment manufacturing (OEM)".

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Binder acrylic copolymers obtained by copolymerizing an olefinically unsaturated polysiloxane macromonomer containing 0.5 to 2.5 olefinically unsaturated groups are known for providing flexible coatings. Polysiloxanes bearing at least three vinyl groups are also known in the art (see Mueller et al '289). Coating compositions for clearcoat systems comprising acrylic copolymers obtained by copolymerizing a polysiloxane macromonomer containing 0.5 to 2.5 olefinically unsaturated groups with other acrylic monomers, thermally activated crosslinking agents, a thermal crosslinking initiator and solvent are known in the art. The prior art cited by applicant or cited herein and otherwise known to the examiner does not teach or suggest such coating compositions also comprising a constituent crosslinkable with actinic radiation and a photoinitiator.

The closest prior art disclosing coating compositions comprising acrylic copolymers containing polysiloxane macromonomer units is considered to include the following:

EP 0 284 679 and US 4,673,718 each discloses thermosetting flexible coating compositions comprising hydroxy functional polysiloxane graft copolymers for coating metals and plastics.

Mueller et al (4,837,289 or 4,605,712) disclose polysiloxane prepolymers bearing at least three vinyl groups that give polymers with superior hardness and oxygen permeability for coating application and for preparing contact lenses. Mueller et al teach that the disclosed polysiloxanes are superior to the di- and tri-vinyl polysiloxanes in most applications where product stiffness and compatibility with comonomers are important. The copolymers obtained by copolymerization of the polysiloxane macromers do not appear to contain at least two functional groups that undergo thermal crosslinking reactions with complementary functional groups in a crosslinking agent, as set forth in the instant claims. Multi-coat clearcoat systems are not mentioned.

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Engelke et al (5,691,419 or 5,686,531) disclose a binding agent for coating compositions comprising an acrylate copolymer obtained from one or more polysiloxane macromonomers having an average of 0.5 to 2.5 ethylenically unsaturated double bonds per molecule.

Nishikawa et al (6,130,019) discloses silicone-modified acrylic resins but does not teach siloxane macromers having at least three double bonds.

The closest prior art disclosing multicoat clearcoat systems employing compositions comprising acrylic copolymers containing polysiloxane macromonomer units is considered to include the following: EP 0 358 153 or US 5,051,473 (Tabuchi et al); EP 0 038 127; US 6,113,988 (Borgholte et al); US 6,534,185 (Baumgart et al); 4,673,718, US 6,001,947 (Brunnemann et al).

Kasaari et al (5,330,796) is cited as art of interest.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W Berman whose telephone number is 571 272 1067. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272 1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Susan W Berman
Primary Examiner
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SB
4/13/04